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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/628,675	07/28/2003	Joseph Paul Lauer	50834/RJP/B600	7119

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EXAMINER	
TON, DAVID	
ART UNIT	**PAPER NUMBER**
2133	

DATE MAILED: 08/11/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/628,675	LAUER, JOSEPH PAUL	
	Examiner	Art Unit	
	David Ton	2133	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *Preliminary amendment filed on 04/12/200*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *2-31* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *2-31* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *28 July 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

1. Claims 2-31 are presented for examination.

Claim Rejections - 35 USC ' 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 2-18, 20-26 and 28-31 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over Lewis et al. (Lewis) patent no. 6,601,209 in view of Milewski et al. (Milewski) patent no. 6,519,326.

As to claims 2, 9, 16 and 24:

Lewis teaches the invention substantially as claimed in claim 2, including a transmitter [transmitting device 12 of Fig. 1] coupled to a wireless Internet communication channel 16 for transmitting non-telephone data [MPEG, see summary of the invention] packets [see Fig. 2] over the channel [see claim 1], the transmitter comprising:

> An encoder [video encoder 18, BCH link coding 20 and RS link coding 21 of Fig. 1] for encoding each non-telephone data packets to form encoded non-telephone data;

> An interleaver [interleaver 22 of Fig. 1] coupled to the encoder for interleaving each encoded non-telephone data packets to form interleaved encoded non-telephone data packets; and
>
> A modulator [modulator 24 of Fig. 1] coupled to the interleaver for modulating each interleaved encoded non-telephone data packets to form modulated interleaved encoded non-telephone data.

Lewis does not explicitly teach the wireless Internet communication channel is non-dedicated local area network channel. However, Internet network is well known as a publicly accessible network that provides connectivity for a wide variety of users such as the network 120 taught by Milewski [see Fig. 1 and col. 2 line 60 – col. 3 line 2]. Milewski taught that the network 120 is not merely a private, internal local area network that utilizes dedicated cabling to interconnect all users but rather a publicly accessible network, or non-dedicated communication medium. Through the network 120, the PC 105 (a transmitter) is able to communicate with the PC 155 (a receiver) [see Fig. 1 and col. 2 line 60 – col. 3 line 2].

It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention was made to combine the teachings of Lewis and Milewski to transmit the non-telephone data packets as taught by Lewis over the non-dedicated communication link taught by Milewski. This modification would have been obvious and a person having ordinary skill in the art would have been motivated to do so because it would provide a publicly accessible network for a wide variety of users.

Similarly, Lewis also teaches a receiver 14 [see Fig. 1] comprising a demodulator 40, a deinterleaver 38 and a decoder 34 as set forth in claim 9.

Furthermore, it would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention was made to enhance the teachings of Lewis

to provide a communication circuit for use with a computer for transmitting and receiving non-telephone data packets as set forth in claims 16 and 24.

As to claims 3, 10, 17 and 25:

Milewski teaches the channel is provided by a telephone line [see Fig. 4].

As to claims 4-8, 11-15, 18, 20-23, 26, and 28-31:

Lewis and Milewski do not teach CRC encoding, interleaver read into the array row-by-row and read out column-by column, the number of columns equal to the maximum size of a codeword, number of rows equal to the maximum size en code data packet to be handled, the HPNA protocols.

Official Notice is taken that the CRC encoding, interleaver read into the array row-by-row and read out column-by column, the number of columns equal to the maximum size of a codeword, number of rows equal to the maximum size encode data packet to be handled, the HPNA protocols are well known in the art of error correction.

It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention was made to modify the teachings of Lewis and Milewski to include the well known features such as the CRC encoding, interleaver read into the array row-by-row and read out column-by column, the number of columns equal to the maximum size of a codeword, number of rows equal to the maximum size encode data packet to be handled, the HPNA protocols, encoder perform encoding in software as part of a software driver for a chip set. This modification would have been obvious and

a person having ordinary skill in the art would have been motivated to do so because it would improve the error correction for data packets.

4. Claims 19 and 27 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over Lewis et al. (Lewis) patent no. 6,601,209 in view of Milewski et al. (Milewski) patent no. 6,519,326 and further in view of Lewis et al. (Lewis) patent no. 6,725,372.

As to claims 19 and 27:

Lewis (patent '209) and Milewski do not teach encoding with software by a chip set. However, Lewis patent '372 teaches that technique is well known for implementing the MPEG encoder/decoder [see patent '372 col. 8 lines 27-41].

It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention was made to implement the combination teachings of Lewis and Milewski a chip set for encoding/decoding as taught by Lewis. This modification would have been obvious and a person having ordinary skill in the art would have been motivated to do so because it would improve the estate of the integrated circuit.

Conclusion

5. The prior art of record and not relied upon is considered pertinent to applicant's disclosure.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Ton, whose telephone number is (703) 306-3043.

The examiner can normally be reached on Monday through Thursday from 6:30 AM to 4:00 PM and alternate Friday from 6:30 AM to 3:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Albert DeCady, can be reached at (703) 305-9595. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DT

August 3, 2004

DAVID TON
PRIMARY EXAMINER